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Riverside County Pesticide Regulatory Program 2007/2008 Performance Evaluation Report

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Performance Evaluation of Riverside County Agricultural Commissioner's Pesticide Use Enforcement Program

This report provides a performance evaluation of Riverside County Agricultural Commissioner's (RIV CAC) pesticide use enforcement (PUE) program for the fiscal year 2007-2008 (FY 07/08). The assessment evaluates the performance of goals identified in the RIV CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to meet DPR standards and work plan goals.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and work plan goals.

Summary Statement:

RIV CAC's pesticide use program is currently effective.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance

RIV CAC issued 1266 Restricted Material Permits, 104 Non-Ag Permits and 227 Operator I.D. Numbers for the FY 07/08. The RIV CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required.

The RIV CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations. The Agricultural Standard Investigators (ASIs) that issue permits possess Pesticide Regulation and Investigation and Environmental Monitoring licenses.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and that
- Permit amendments follow approved procedures.

2) Site Evaluation

During the FY 07/08, the RIV CAC staff reviewed 1,903 Notices of Intent (NOI) and performed 105 Pre-Site Evaluation Inspections. RIV CAC gives the highest priority to reviewing NOIs and site monitoring activities involving fumigants and other Category I pesticides, restricted material applications near sensitive sites.

The RIV CAC site evaluation procedures were performed through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

B) Compliance Monitoring:

1) Inspections

Agricultural and Structural: During the FY 07/08, the RIV CAC staff conducted approximately 554 Pesticide Use Monitoring Inspections. This inspection total includes both Agricultural and Structural inspections. The RIV CAC permit inspection procedures and performance were evaluated through DPR oversight inspections and record reviews and found to conform to DPR standards and expectations. The Agricultural & Standards Investigators that possess Pesticide Regulation and Investigation and Environmental Monitoring licenses perform inspections. Based on the combination of oversight inspections, records review, field observations, interviews at various times with the RIV CAC field staff, and follow-up discussions with PUE managers, it was determined that RIV CAC followed DPR policies and procedures regarding performing inspections with thoroughness and completeness, including associated follow-up activities. Inspections adequately provide the information necessary to successfully prosecute violators.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements;
- Include interviews of employers and employees as appropriate;

- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

2) Investigations

During the FY 07/08, RIV CAC investigated 74 routine complaints (non-priority)/ investigations and had one investigation that met “priority episode” criteria, and the county followed DPR policies and procedures for the priority investigation. The RIV CAC investigation procedures and performance were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. RIV CAC investigates all complaints and generally completes the reports in a timely manner.

Investigations are thorough and complete and submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

C) Enforcement Response:

RIV CAC completed 15 Agricultural Administrative Civil Penalties, 18 Structural Administrative Civil Penalties, and 322 compliance actions during the FY 07-08. During FY 07/08, RIV CAC took enforcement actions in a timely manner. RIV CAC improved in expediting the NOPA process for their enforcement response program during the FY 07/08. The RIV CAC enforcement response was evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The RIV CAC’s enforcement program was found to:

- Initiate the appropriate action when violations are identified;
- Sufficiently support compliance, enforcement and public protection actions;
- Ensure that due process requirements are met when taking an enforcement or permit action or when initiating a private applicator certification or registration refusal/revocation.

The CAC levies fines in the appropriate category, adheres to statutory time frames and follows DPR policies when imposing civil penalties on employees.

III. Recommended Corrective Actions

No corrective actions are currently needed.

IV. Non-Core and Desirable Activities

Outreach and Training

During the FY 07/08, RIV CAC conducted 16 training and outreach sessions to Pest Control Businesses and Growers/Operators. RIV CAC has increased the outreach and training to the agricultural industry employees on current and updated pesticide laws and regulations. Compliance meetings are conducted to keep the industry informed of the information about changes in California laws, regulations, and local Riverside County pesticide use conditions. During these meetings, information about various websites is also provided to individuals and groups.